

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 255053

46

ORIGIN EUR-12

INFO OCT-01 ISO-00 SCA-01 PPT-01 VO-03 SR-02 ORM-01 SS-15

NSC-05 SP-02 L-02 H-01 CIAE-00 INR-05 NSAE-00 RSC-01

PRS-01 PA-01 USIA-06 INSE-00 IO-10 SAJ-01 /071 R

DRAFTED BY EUR/CE:BAFLATIN:LCB

APPROVED BY EUR/CE:RDDAVIS

----- 033483

P R 192140Z NOV 74

FM SECSTATE WASHDC

TO AMEMBASSY VIENNA PRIORITY

INFO AMEMBASSY BONN

AMEMBASSY BERLIN

LIMITED OFFICIAL USE STATE 255053

E.O. 11652:N/A

TAGS:PFOR,CPAS, AU, GW

SUBJECT: PRESERVATION OF US CITIZENSHIP FOR PERSONS
REGAINING AUSTRIAN CITIZENSHIP

1. DURING A CALL ON ASSISTANT SECRETARY HARTMAN ON NOVEMBER 14, DR. HEINRICH HAYMERLE, SECRETARY-GENERAL OF THE AUSTRIAN MINISTRY FOR FOREIGN AFFAIRS, DISCUSSED A PROBLEM WHICH HAS ARISEN OUT OF THE OPERATION OF AUSTRIA'S NEW 1973 LAW WHICH RESTORES AUSTRIAN CITIZENSHIP TO FORMER CITIZENS WHO LEFT AUSTRIA DURING THE NATIONAL SOCIALIST ERA FOR RELIGIOUS, POLITICAL, OR RELATED REASONS. NATURALIZED U.S. CITIZENS ARE FINDING THAT THEY LOSE THEIR U.S. CITIZENSHIP IF THEY TAKE ADVANTAGE OF THIS LAW.
 2. ACCORDING TO HAYMERLE, THE NEW LAW PROVIDES THAT AUSTRIAN CITIZENSHIP IS AUTOMATICALLY RESTORED IF THE FORMER CITIZEN MERELY INFORMS THE AUSTRIAN AUTHORITIES THAT HE IS BACK IN AUSTRIA AND RESIDING AT A CERTAIN ADDRESS. NO SPECIAL APPLICATION IS REQUIRED. IT IS HAYMERLE'S
- LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 255053

UNDERSTANDING, HOWEVER, THAT THE US IMMIGRATION AND

NATURALIZATION SERVICE HAS RULED THAT EVEN THIS SIMPLE ACT OF NOTIFICATION IS A POSITIVE ACT WHICH CAN AFFECT THE US CITIZENSHIP STATUS OF NATURALIZED PERSONS.

3. BECAUSE AUSTRIA DOES NOT WANT TO SEE THE AFFECTED PERSONS DEPRIVED OF THE ADVANTAGES OF DUAL CITIZENSHIP,

HAYMERLE ASKED THE DEPARTMENT TO LOOK INTO THE POSSIBILITY OF INS'S APPLYING THE SAME FLEXIBLE RULING WHICH WAS USED WHEN THE FEDERAL REPUBLIC OF GERMANY PASSED SIMILAR LEGISLATION SOME YEARS AGO. HAYMERLE WAS OF THE OPINION THAT THE AUSTRIAN LEGISLATION IS ALMOST IDENTICAL TO THAT EMPLOYED IN WEST GERMANY.

4. MR. HARTMAN AGREED TO HAVE THIS MATTER STUDIED. INGERSOLL

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CITIZENSHIP STATUS, CITIZENSHIP LAW
Control Number: n/a
Copy: SINGLE
Draft Date: 19 NOV 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: blochd0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE255053
Document Source: CORE
Document Unique ID: 00
Drafter: BAFLATIN:LCB
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740334-0945
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741130/aaaaazan.tel
Line Count: 76
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: blochd0
Review Comment: n/a
Review Content Flags:
Review Date: 22 JUN 2005
Review Event:
Review Exemptions: n/a
Review History: RELEASED <27 MAR 2002 by kelleyw0>; APPROVED <24 MAY 2002 by golinofr>; WITHDRAWN <13 Jun 2005 by BoyleJA, PRIVACY>; RELEASED <22 JUN 2005 by papenddr>; APPROVED <22 JUN 2005 by blochd0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PRESERVATION OF US CITIZENSHIP FOR PERSONS REGAINING AUSTRIAN CITIZENSHIP
TAGS: PFOR, CPAS, AU, GE
To: VIENNA
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005